IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

PAULA SELF, LINDA DUNCAN, SHERI KIDDY, LESLIE DEMULL, and TIMOTHY VAN HOOSE, individually and on behalf of others similarly situated,	**ORDER**
	Case No. 2:08cv395
Plaintiffs,	
v.	**Magistrate Judge Paul M. Warner**
TPUSA, INC.; and TELEPERFORMANCE GROUP, INC.,	
Defendants.	

Before the court is TPUSA, Inc. and Teleperformance Group, Inc.'s (collectively, "Defendants") second Motion for Emergency Cease and Desist Order.[1] A hearing on the motion was held on December 3, 2008. At the hearing, Defendants were represented by Gerry B. Holman and John May; and Paula Self, et al. (collectively, "Plaintiffs") were represented by Sharon L. Preston and Jesse S. Brar. Before the hearing, the court carefully considered the motion, memoranda, and other materials submitted by the parties. After considering the arguments of counsel and taking the motion under advisement, the court renders the following order.
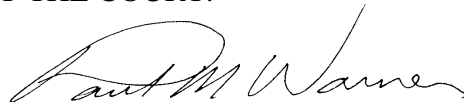
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[1] *See* docket no. 89.

Based on the evidence currently before the court, the court finds that the event that is the subject of Defendants' motion was an isolated occurrence and is not likely to be repeated. The court also finds that Plaintiffs' counsel had no involvement with the creation or distribution of the flyer. It appears that the individual responsible for the allegedly offending flyer acted on his own without support or encouragement from Plaintiffs' counsel.

The court therefore has determined no remedial action is necessary or required at this time. That said, however, if distribution of similar flyers with misleading or confusing information as to who is sponsoring or authorizing said flyers continues to occur, Defendants are invited to renew their motion and the court will hear argument regarding possible remedial steps to stop the alleged offending conduct. Accordingly, Defendants' motion is **DENIED** at this time.

IT IS SO ORDERED.

DATED this 5th day of December, 2008.

BY THE COURT:

PAUL M. WARNER
United States Magistrate Judge